

Roberts's Second Edition of

THE

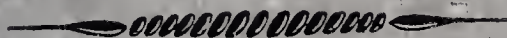
SECRET "CUSTOMS,"

AND

REVENUE

OF THE

SHERIFF'S OFFICE.



*"The Customs of the Office" are true as the existence
of time, and certain as its perpetual duration."*

PRICE EIGHT CENTS.

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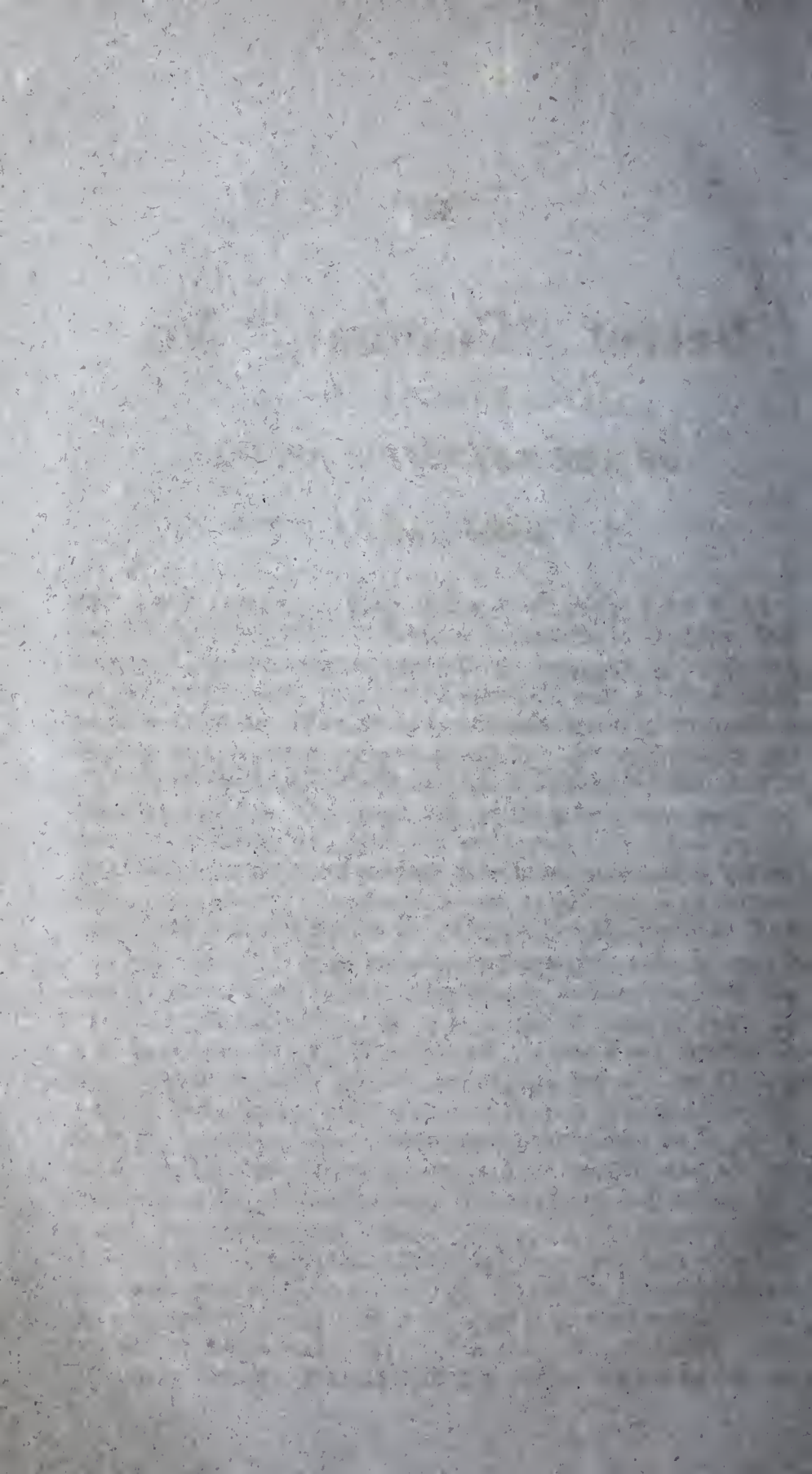
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1820.

ADVERTISEMENT.

The writer had originally intended to communicate the facts contained in the following pages, to his Fellow Citizens through the medium of the public newspapers, but was not able to accomplish that object exactly in the method and at the time most desirable ; he has therefore taken this course, stipulating with the printer not to sell the pamphlet, in any case, for a larger sum than 8 cents, the price stated in the title page, and which will not more than cover the expense of printing and paper, after reserving a sufficient number for each member of the Legislature.

Philadelphia, December 30, 1819.



THE

Secret "Customs," &c.

OF THE SHERIFF'S OFFICE.

At a time when there exists such a general disposition and necessity to promote a spirit of economy, while societies are actively engaged in the encouragement of Domestic Manufactures, and National Industry—while our papers are so frequently filled with the most valuable hints upon these important subjects, and the increasing poverty and distress of the country, so imperiously justify these measures ; we see but little attention paid to the sources from which in many instances much of our calamities flow. An indifferent subserviency to those invested with power, too often produces those results so degrading to the character of a republican people, and so frequently susceptible of corruption and monopoly. Cases of this sort sometimes occur here, although the people have a continual opportunity to alter and control all public extravagance or abuse of power, and from the existence of various local causes, they have in some instances so completely entrenched themselves, behind a mysterious and uncertain chance of investigation, as to bid comparative defiance to legal or legislative interference. The existence of these causes has always been more easily discovered than an accurate result of their operations ascertained. The increasing population of this City and County, has contributed largely towards multiplying legal disputations, and with them the emoluments of all the officers connected with the courts, except some whose pay had been very properly fixed by annual salaries. We have a striking illustration of this fact in the case now before us, and one very nearly connected

with it. From the favourable circumstance of the duties of a late prothonotary of the Supreme Court* being confined to his office, placed upon the public record, and constantly subject to inspection, it was long since ascertained that his fees which were originally small, were swelling to an annual sum of 15 or \$20,000, and became a subject of Legislative alteration. His more fortunate neighbour, the Sheriff, whose fees beyond all doubt were at that time nearly equal, and have been rapidly increasing, ever since from the various nature of his duties, from his being triennially a subject of popular favour, and as often carrying into retirement his dockets, which are his *private property*, and the only complete proof of his gains; from the existence of a *code* of well organized "*customs*," the employment of skilful and well paid agents, and some other causes, has up to this hour so completely kept himself in darkness and mystery, that all we have generally been able to ascertain, was, that 3 years prudent possession of this lucrative source of wealth, yielded the lucky incumbent a princely fortune. This is a fact fairly to be inferred, by a slight reference to the disgusting anxiety so generally manifested by the candidates for the office; and the instances of splendid independence now enjoyed by some gentlemen who have held it. We feel ourselves inclined to enter into an investigation of the causes which have so long kept in concealment the singular "*customs*" of this office, and what upon a fair comparison, will be the aggregate amount of the ensuing 3 years' job—because we think the present a suitable time, inasmuch as it will become an early matter of legislative curtailment. Because we believe that the indulgence of such a powerful engine of personal aggrandizement, is in open violation of American Republicanism, and dangerous to the liberties of a free people, because it fosters a set of "*customs*" and "*regulations*," vexatious and inveterate in their exercise, and extortionate and illegal in their character; because those "*customs*," if they were ever necessary as a fair remuneration for official services, are now by a just application of the same rule, not only useless and unjust, but in open violation of existing laws. Because those "*regulations*" which were originally established for the ostensible purpose

* Edward Bird, Esquire.

of promoting the "*defendants' interests*," were then and are still made subservient to the shameful purposes of illegal extortion and secret gain. Because the emoluments of this office in 3 years, will yield the present incumbent from SEVENTY-FIVE to ONE HUNDRED THOUSAND DOLLARS; and is therefore *far* beyond a just equivalent for the risk incurred and the services performed. Because this enormous amount of money drained from the miseries and distresses of the unfortunate, is only calculated in its application to harden the heart of its possessor, and render him cold and indifferent to those very calamities which it is his official duty to soften and ameliorate. Because such a system of overgrown extravagance, power, and extortion is not only in direct opposition to the mild and economical policy of our government, but most positively forbidden by the Holy Laws of Heaven. And because we believe therefore that the present sheriff, Caleb North, Esquire, a man of whom it was said possessed the most "*pre-eminent characteristics of virtue and religion*," would not now, "*after spending a long life in the cultivation and practice of every domestic and social relation*," with a full knowledge of these facts, consent even to commence this harvest of unjust gain and wickedness! These are considerations together with others, which will furnish sufficient materials for subsequent communications; and although we do not pretend to be in full possession of *every* fact—yet we are desirous that if unjust impressions are entertained of the enormous revenue of this office, and the *means* by which it is obtained; that those who are in possession of the *data* upon which the estimate can be correctly made, should unhesitatingly contradict us. The truth is all we desire, and is loudly called for by many.

In the course of this investigation we intend to proceed with caution; for we well know the disadvantages under which we shall labour for the want of complete information, and are certain that in some of the most material points we and the world will remain in eternal ignorance. At the same time however, that we may be compelled to encounter those difficulties, we shall not feel the slightest intimidation from the danger of contradiction, from even the whole Phalanx of Sheriff, ex-Sheriffs, their *councillors*, dependants, and friends: No, on the contrary, we most cordially renew

the invitation, and challenge them to the field of fair and honourable investigation. If we should swell our calculations beyond a just and certain aggregate contradict us.—If we overleap the limits of a reasonable average in our general computations, for upon this in a great measure will depend the result, rebut us by *facts*—*Facts which are in your possession*, and we will yield to the truth with pleasure and pride.

That there is a set of customs and regulations, which are necessarily connected with every private as well as public establishment, is as well known to a man of business, as the fact that their honest application is a private as well a public convenience: the existence and proper execution of our custom-house laws are dictated, as well from the revenue accruing to the nation, as the salutary restraints under which they keep our intercourse with other countries; but the first of these objects would be endangered, and the latter evidently defeated, if their general operations were fettered with a set of speculating customs, the only object of which was to answer the purposes of private gain; we have had a most disgusting instance of the outrage of which this principle is susceptible, in a communication lately made by one of our Consuls in a foreign port. The honest and judicious operations of a bank are most admirably calculated to promote commercial convenience, but whenever its private regulations become deceitful and corrupt, it will invariably defeat the wise end for which it was created, by an universal destruction and ruin of its unfortunate dependants.

If the keeper of a coffee house, or public hotel have ever so splendid and inviting accommodations, yet if his regulations are extortionate, and at every turn you are compelled to pay for services in detail, which ought to be included in a fair aggregate, his house of entertainment and pleasure becomes a continual source of vexation to all who are unfortunately compelled to cross its threshold.

The outrageous inveteracy to which these regulations and practices have arrived in the course of a few year's indulgence in this office, sheltered under almost an impenetrable secrecy, tacitly consented to by some, submitted to by others, and managed by cunning and well paid agents, is scarcely within the range of human belief. The most evident meaning of legislative precepts is artfully evaded, while others are ad-

roitly made subservient to the purposes of legalised deception; the ignorance of the citizen whose honest avocations are not connected with the law, is turned to his prejudice and his loss.

The helpless, the stranger, and the orphan, share alike the scourging application of those wicked regulations, while all are secretly laughed at for submission, or stigmatised with reproaches and slander, for hesitation or resistance. A simple inquiry into this subject will completely establish the truth of these assertions.

The laws of Pennsylvania, from motives of humane and sound policy, and jealous for the protection of the distressed and unfortunate, in their mild and cautious provisions for the recovery of claims, particularly against landed property, require that before a sale can be made of a freehold, that a jury of 12 good and lawful men, shall, together with the sheriff, by an inquisition upon their oaths or affirmations, ascertain that the nett rents, issues, and profits, will not in 7 years pay the demands *against* it; the custom will be, and against this part of it we have nothing to say, to summon a jury to meet at a convenient time, preceding the return day, or commencement of each term, before whom will be laid all writs of Fieri Facias which have been levied upon lands, and writs of damage under suits brought by foreign attachment, &c. then in the sheriff's hands.

To September term 1820, the Sheriff upon a principle of analogy and we think, from present appearances the chances are in his favour, will have from the District Court for the City and County of Philadelphia 55 of the afore mentioned writs, to lay before his jury of condemnation; to December term following, he will have upon the same rule, 48, making in the whole 103, the quarterly average therefore will not be much less than 52; he will have out of the supreme court to July term 1820, 8 writs of the same profitable character; to the following term of December, 12, (in this court there are but 2 terms a year,) the average will be 10; out of the common pleas he will have for June term 1820, 5 similar writs; to September term following 9; making a quarterly average of 7; amounting to an annual average of 256, for which the sheriff will, "according to the customs of the office," charge in each case \$11 75, amounting to \$3008 and \$9028, in 3 years. This estimate we know to be much below the

number which will come into his hands; for at the jury of condemnation which sit on the 4th inst. the sheriff laid before them "*upwards of 80 writs,*" which would amount to 320 per annum, and make the triennial sum of \$11,280.

We shall now turn to that *code* of custom laid down by a wise and economical though liberal legislature, which are made to regulate those fees, and which this officer is bound by his oath to "obey," for summoning jury of enquiry, taking inquisition and return 3 dollars" according to this standard for the above mentioned services he would receive, to wit: average number of all these inquisitions 256 per annum at \$3—would make \$768, and in 3 years \$2304—leaving the tremendous balance of \$6724, unnecessary, illegally, and extortionately in the hands of the sheriff. The following is the way in which this artful evasion of the law is managed.

These juries not unfrequently consist of 18 or 20, the law requires however that there should be never less than 12, for this number, the sheriff will "according to the customs of th office, charge 50 cents each; for giving "notice," to the parties, whose property "is to be laid before the jury," he will charge as if it were a summons or capias \$1 25; for swearing the jury, that is 12, at 12½ cts. each, \$1 50, and then adds the only fee to which he will be entitled, \$3, most adroitly making the convenient sum of \$11 75; now we challenge all the scrutiny and investigation which the fee bill will bear for those charges; strain every point to its full and most liberal construction, and no authority can be found to sanction this custom; who ever heard that a "*notice*" to a defendant "that his real estate had been levied upon and would be laid before a jury for condemnation," and which could be, (and generally is served by the plaintiff,) or any other person as well as the sheriff, was what in legal acceptation is called a summons; who ever heard of the law in Pennsylvania, which entitled a jurymen to 50 cents for serving upon one of those juries, or if it did, who will ever hear of one half dollar out of the thousands which will be thus exacted from the poor, being paid to him for whom the charge will be made?

Those practices and their excuses are as preposterous as they are illegal, and could only have their foundation upon the principles of extortion and avarice. We take the act of

assembly for our test, "for summoning jury of inquiry, taking inquisition and return, §3" What can be meant by taking the inquisition? is not summoning and swearing the jury, and going to the premises if necessary, and which is frequently done in some of the neighbouring counties, a part of it? most unquestionably it is, and no man who had not his mind darkened by prejudice or wickedness, could for one moment entertain a doubt upon the subject after the most superficial examination of this fee bill. It is not a matter which requires the aid of any legal learning to comprehend; the English Language could not be made more plainly to convey a simple subject of allowance and prohibition to the common understanding, than is contained in this act of assembly of March 1814. There is no artful qualification of words or cunning argument however supported by usage which can justify this shameful practice now, for the law *is express*, and the legal fees after an annual allowance of \$200, for jury dinners would still leave the triennial gain of \$1704.

Under an act of assembly passed the 11th of April 1799, entitled "an act concerning writs of partition" the sheriff will frequently have to execute what is called "writs of partition" and "orders of sale under *them*." The first is a precept requiring him to ascertain by an inquest, whether the "lands and tenements" therein mentioned "cannot be divided according to the command of the writ, without prejudice to, or spoiling the whole," and if not then "to make a just valuation and appraisement of such lands and tenements;" and will be executed pretty much as a condemnation of real estate, except that the inquest will *always* be held *upon the premises*. The last is an "order of sale" and requiring him to advertize and sell "at public auction," the "said lands and tenements" and will be executed precisely as all other final process, except that the notice of the sale will be a few days longer. It may happen in the course of the ensuing 3 years that the sheriff will sell property under *one* of those "writs of sale" to the amount of \$21,951; and if he should, "according to the customs of the office," he will make out and receive the money for a bill *precisely* like the following :

Costs (Dinner, for the Jury,)	\$ 68 28
Deed,	10 00
<i>Poundage</i> ,	442 02
Sheriff,	1 25
Two Sets of Hand Bills,	4 00
Posting up ditto,	4 00
Twice in the Papers,	24 00
Cryer,	2 00
Coffee House,	2 00

\$ 557 55

The Legal Fees would be, viz :

Original Summons,	\$ 1 25
Inquisition and return,	3 00
Sale under ditto,	3 00
Cryer,	1 00
Deed,	2 75
Acknowledging same,	75

11 75

Leaving a handsome gain of \$ 545 80

The parties may *agree* to pay for the dinner, and afterwards upon ascertaining their rights, compel the sheriff to *refund* the *Poundage*, which will still leave him \$ 103 78, more than his legal fees.

It has been held although not strictly a legal adjudication, that in as much as these duties were about the same as those connected with the execution of other final process; and as the act concerning writs of partition made no provision for poundage, that the sheriff was entitled to the same fees as those for similar services allowed in the fee bill which had been passed anterior to that time.

But all those speculations fall to the ground, and are completely put at rest, by the act of assembly passed on the 28th of March 1814, entitled "an act to establish a fee bill," which as expressly ascertains and *limits* those fees as it was possible for any legislative body upon earth to have done. It would not be competent *now* to introduce this sort of reasoning, 15 years had elapsed after the passing of the act, concerning writs of partition, *at the time* that the present fee bill was made, and it is fairly to be presumed that in all this

time the subject should have been sufficiently understood, besides the sheriff incurs no sort of responsibility, for he never distributes the money, where there is the slightest difficulty, but as the act of assembly requires, pays it immediately into court; the fact is that estates which this legal provision is intended to unfetter, most generally belong to families, some at least of whom are in a state of comparative or actual *infancy*; the laws of humanity, and the maxims of sound policy require that this class of society should enjoy every protection.

Be this, however, the reason why no allowance is made for poundage or not, it is enough for us, that there is an existing law which most positively forbids it, and that it was made by the legislature, acquainted with all the facts and fully authorized to make it.

It is not our intention to carry into future calculations any thing which the sheriff will derive from this source; our only object is to probe these *secret* customs to their foundation, and the disgusting exercise of deception which we have already discovered, is enough to sicken the honest feelings of manhood.

Property, when taken in execution by the sheriff, when sold, will be advertised in the public newspapers and by hand bills posted upon some part of the premises (if real estate) and at the place (if personal property,) where the sale is to be held, and about the neighborhood at the corners of the streets. It will be readily perceived, that during the pressure of times so extremely embarrassing as the present, much of this business will be done, and the most profitable part of his fees will be in proportion to the amount of this part of his duty. There are nine papers published in this city, in all of which the sheriff will alternately advertise his sales, and charge the *gross* expence to the respective actions. (We are still going upon the ground of comparison.) The printers' quarterly bills will in the aggregate average not less than \$445,22, making \$1880.88 per ann. and \$5642.64 for three years. There will be in September term 1820, 72 sales real and personal, and of course as many sets of hand bills. In December term following there will be 84, making an average of 78 sets of hand bills for each three months, for which the sheriff "according to the customs of the office," will charge each

of those actions \$2; amounting to the sum of \$ 624 per ann. and \$ 1872 for the whole three years. For "posting up" those hand bills he will charge in each case two dollars; amounting to the same annual and triennial sums. As for the bills themselves and for "crying" each sale, the same charge of two dollars will be likewise made, forming a third similar result. By the previous average it must be recollected, that there will be 78 sales per quarter, or 936 in three years, and by a subsequent estimate it will be found, that out of this number, 555 will be of real estate. The number of personal sales therefore will be 381—for which there will be an average charge of two dollars in each case for clerking, which will amount to \$ 762. All the sales of real estate, (with the exception of some dozen or 15), will be held at the Merchants' Coffee House in this city; and for this there will be a charge of the old convenient sum of two dollars, in each case, making \$ 1110. During the ensuing three years, the purchasers at the sales of real estate will receive their respective deeds from the sheriff, for which they will pay him according to the following rule:

434 deeds at	\$ 6	:	:	\$2604
57	:	:	7	399
35	:	:	10	350
22	:	:	15	330
7	:	:	24	168
<hr/>				<hr/>
555 deeds				\$ 3851

Making the monstrous sum of \$ 16,981 64; which the sheriff "according to the customs of his office," will receive in the ensuing three years, for advertising and selling the property of the poor, and executing and acknowledging the deeds of conveyance. For all these duties the law provides the following fees: "for advertising expences where goods or lands are *sold*, in each suit three dollars;"—"for vendue cryer where *sale is made*, in each case one dollar;"—"for executing deed on sale of lands \$ 2 75;" and "for acknowledging the same 75 cents": of this however, we shall say more hereafter. The pretexts for all these alarming "customs of the office," are that the defendant's interest is promoted by advertising his property, by hand

bills posted up, and in the public papers, and by holding the sales at the Merchants' Coffee House, and that the purchasers should be willing to pay as much for their deeds on *parchment*, as they would cost them elsewhere.

The *honest* application of these rules, although unnecessary and directly in defiance of the law, might be upon the whole productive of some good ; but that those deeds will always be printed on *bad* parchment, executed in the most miserable style, and charged more for than a well *written* deed upon *good* parchment, would cost at any of the conveyancers in this place, is a fact of which every purchaser, who will be reluctantly obliged to accept and pay for them, will bear the most ample testimony. Whatever is consented to we know is binding, and of course supercedes all legal provisions which are made to regulate that particular matter ; if therefore the parties *agree* that their property should be advertised in this way, and that the sale should be held at the Coffee House, and consent to pay the *expences*, it is well enough for all concerned ; provided they are not *deceived* and do not pay *more* than the expences ; for at the same time that the property may bring a better price, which will serve the interests of both plaintiff and defendant, the sheriff will generally have his poundage increased ; an item in his profits, which we shall hereafter discover to be of considerable magnitude. But has the sheriff in the exercise of his *own* discretion, a *right* to bring every case within the scope of this rule, *without* the consent of the parties, either express or implied. The idea is as preposterous and absurd as it is illegal and wicked. We should not be disposed however, to quarrel with these "customs" under all their unlawful and unreasonable objections, were they not made subservient to the most dishonourable purposes of oppression and deceit ; and had they not in their present character assumed an attitude of almost legalized corruption. We speak thus bold, and the *facts* will prove the assertions which we have now, and shall hereafter make, in relation to this subject.

Will the sheriff charge no more for all these services, connected with the sale of property, and completing his title to the purchasers, than it *will cost him* ? or will he charge 20 per cent. for advertising in the newspapers ; 100 per cent. upon the cost of the hand bills ; 100 per cent.

more than the legal fee for crying ; 75 per cent. upon the Coffee House bill ; besides clerking at every personal sale ; 100 per cent. upon the deeds, and 300 *per cent.* for posting up the hand bills ? We say “ according to the customs of the office ” he will ; and challenge a contradiction of these *facts* ; for they are incontrovertable.

From the printers he will receive a deduction of 20 per cent. besides being furnished with their daily papers gratis, which will give him a triennial gain of \$ 1128 50, besides reducing that item to \$ 4514 14. His hand bills will cost him but one dollar a sett, which in the same period will furnish a net gain of \$ 936, besides reducing that item to the same sum. For “ vendue cryer”, he is entitled in each case “ where there is a sale ” to one dollar,—which would make his legal fees \$ 936,—and reduce this item likewise to the same amount. He will pay *Mr. Kitchen*, the keeper of the Merchants’ Coffee House, but \$ 100 per annum, which will in the three years yield him the nett gain of \$ 810, and reduce this item down to \$ 300. He will pay his conveyancers, for the quarter ending on the 25th of October 1820, \$ 183 50, and for the quarter ending on the 25th day of April 1821, he will pay them \$ 174 75 ; making a quarterly average of \$ 179 12 or 2149 44 in the three years, which will produce the handsome gain of \$ 1701 56 ; —\$1919 50 more than his legal fees, and reducing this item to 2149 44, and to cap the climax of this most shameful system of deception and speculation, he will pay *Mr. William Butler*, who posts up the hand bills, but *fifty* cents a sett ; leaving the outrageous profit of \$ 1404 out of this old man, and reducing this item to \$ 468. For the purpose of rendering this artfully contrived system of unfair gain, more familiar, we will give it a general recapitulation.

	Whole charge.	What it costs	Legal Fees.	Nett gain.
Advert. in the papers	5642 64	4514 14	\$ 2808	1128 50
Hand Bills.	1872	936		936
Posting up Do.	1872	468		1404
Crying Sales.	1872	Nothing.	936	1872
Clerk'g. Pers. Sales.	762		Nothing.	762
Coffee House.	1110		Nothing.	810
Deeds.	3851	2149 44	1931 50	1701 56
	<hr/> \$16981 64	<hr/> 8367 58	<hr/> \$5675 50	<hr/> \$8614 06
Legal Fees.	5675 50			
	<hr/> 11306 41			

Leaving the tremendous triennial nett gain of \$8614 06, and \$11306 14 more than the law allows.

We shall now show that these unwarrantable "customs," so far from being justified upon any principle of necessity, are only made the miserable subterfuges for deception and extortion; inasmuch as the fees which are allowed by law, are more than sufficient for all these expences, except the deeds which we shall soon see would by the adoption of a fair arrangement, yield a handsome profit *out of* the legal fees.

Printing advertisements in the newspapers is one dollar a square for three times, and that is as often as property will be advertised in the papers; the deduction of 20 per cent. would reduce that item to 80 cents; the hand bills cost one dollar a sett, the posting up 50 cents, and the Coffee House, which will be found to average less than 54 cents, would only amount to \$2 84; the legal fee for "advertising expences where goods or lands are sold, in each suit three dollars;" and "for vendue cryer, where sale is made, in each case one dollar," would make four dollars, leaving still a profit of \$1 16 in each case; beside the poundage, which alone will not unfrequently amount to \$500 or a thousand dollars in one evening.

The legal fees for "executing deed upon sale of lands, in each case \$2 75," and for "acknowledging the same 75 cts." is \$3 50. They are all drawn after set and particular forms, and the huts and bounds, or in other words, the description of the property, must be accurately taken from the body of the writ under which the sale is made. It will be readily perceived therefore, that no *legal learning or professional skill*

is necessary to make a good deed, and that it could all be performed by a correct copyist, who could with the greatest facility draw two of those deeds in a day. This, allowing one dollar a sheet for *good* parchment, would leave a handsome balance of five dollars; about 400 per cent. per diem more than has been paid to a *first rate penman* in that office for whole weeks together. We have made no allowance here for the acknowledging, because so far from being a matter of expence, it will scarcely be a matter of form; being generally done but once a term, by a solemn, though expeditious nod of the head, over this quarterly stack of lucrative matter. For the same reason, we have made no allowance for crying and clerkage, because the sheriff or one of his officers will always perform these duties, and of course will be at no expence: Nor for the cases, in which the description of the property will occupy more than one square in the papers, and will consequently cost more than 80 cents; because we well know, that "according to the customs of the office" from three to five sales of personal property, will frequently be held by an advertisement under "sundry writs of fieri facias," and will according to the same "customs" respectively, be charged with the whole catalogue of fees. It will be amusing to all, and assist those who feel inclined to join us in the tedious, though certain results of all our preceding averages, to understand the contract under which "according to the customs of the office;" those deeds will be furnished. The sheriff's conveyancers will *fill up* all his *printed* deeds, for which they will charge just what they think it will bear, deducting from the gross amount of their quarterly bills "one fourth." When the deed is handed to the purchaser by the sheriff, *he* will charge 2 dols. more than the *original* price in the conveyancer's bill. Thus a deed, for which they charge 8 dols. will yield them 6 dols. and the sheriff 10; a "yankee sneak," or a "spunging hog" who happens to know his rights, will sometimes "make a legal tender of the legal fee," and abridge the amount of their mutual profits. The ingenious pretexts for the necessity of these "customs" we think we have pretty well disposed of. If however the sheriff enjoyed no other sources from which he is deriving an alarming revenue, and all the profits of his office were to come from these and similar duties, why should he

not manage these expences, upon such an economical plan as to yield him a handsome gain? How, we would ask, is this same sort of official duty performed in our neighbouring counties, where, in many instances, the whole three years' emoluments are not equal to what here will be the profit upon the bill sticker's contract? We have seen a sheriff, who was as valuable and respectable an officer, as Gen. Washington had attached to his staff, and one who was in it during the *whole* revolution, with his own hands filling up his blank advertisements, and riding round his bailwick to paste them up.

Upon what principle of right or justice are these "customs," so pertinaciously adhered to? Are they not most positively forbidden by a succeeding section to the same act of Assembly, which limits and ascertains his fees, accompanied too with a clause, declaring it "a misdemeanor in any judge," who shall allow or sanction, "under any pretence whatever, any fees not specified" therein? The language of the law and the intention of the Legislature, are too plain to be misunderstood by the most limited capacity. As well might a navy agent, or the commissary of an army charge from 20 to 300 per cent. upon every purchase which he made for the government: As well might the post-master charge us 100 per cent upon his legal fees, *and* from 20 to 300 "upon the expences of a speedy transportation of the mail, because forsooth our "interests were promoted," and it had "always been the customs of the office:" Yet we well know that one fraudulent trick of this character would hurl them into merited and eternal disgrace. Is not the sheriff under many more solemn obligations faithfully to perform his duty than they? It seldom happens that they are much indebted to the source from which they receive their appointments; and the effects of their deception would produce no immediate or individual misery, as it would be a national loss, or come most generally from the pockets of the wealthy. But to the *people*, the sheriff is indebted for his election, and the effects of his extortion would seldom fail to inflict a personal calamity. They are his neighbors too, whom it would be dishonorable and unmanly to deceive, and whom it is his duty to protect from oppression. There is no possible distinction, except that from the two relations in which they stand, one is subject to the vigilant

scrutiny of his superiors, and the other receives from those, (unfortunately for them) with whom he has to deal, from motives of personal safety, a willing concession of *his* superiority. These are the causes which have fertilized the soil from which these disgraceful practices first sprouted and are still growing, and which are so firmly and substantially rooted, that nothing but the Herculean strength of the people, rising with majestic indignation, will ever prostrate. No man, whose heart was not frozen with avarice, could thus with impunity and in cold blood exact from his bankrupt and broken hearted fellow citizens, that which might shelter them and their helpless children from the pinching inclemency of winter, and satisfy the cravings of many an hungry day. Surely this picture is not exaggerated; for we and the world know, that in 99 instances out of an hundred, the sheriff's sale, closes the last struggles of the worn out wretch, and as often scatters to the speculating croud, every vestige of domestic convenience.

Whence then does this tremendous revenue come, but from the wreck of social happiness, and the destruction of its melancholy victims? Our blood stiffens in its channels, when we contemplate the awful and almost unlimited sacrifice of domestic comfort, which will thus be completed during the ensuing winter of bitterness and woe.

We find it difficult to leave this part of the subject, without expressing our warmest sympathies for *Mr. Butler*, that faithful centinel of the office; he was a soldier in the American Revolution, and although not "an officer in Gen. Washington's army," wore out a vigorous constitution in that glorious struggle for Independence; his venerable locks are whitened with the frosts of 85 years; his furrowed cheeks and tottering frame indicate an approaching relief from the calamities of life; he *has again entered* upon his 3 years' toil, and through the boisterous inclemency of each returning winter, and the scorching heat of as many summers, his perpetual and ill requited labour, while it annually yields him the scanty pittance of \$156, transfers to the coffers of his *benevolent* and *friendly benefactor*, the final and tremendous gain of nine times that sum. Blush ye advocates for the man of popular favour! and tremble, lest by the vicissitudes of fortune, you, with unthinking hundreds, should be gathered in his cruel grasp.

We have now closed our inquiries into the secret "customs" of this office, and shall enter into an investigation of the legal sources from which its enormous revenue will be derived, and in the course of this part of the examination, it will be found that its whole profits are as much a *secret* as the "customs" themselves. The facts, in continuance, are, that to December term, 1820, the sheriff will execute and return to the office of the prothonotary of the district court, for the city and county of Philadelphia, 547 original writs; to July term, 1821, he will execute and return to the office of the prothonotary of the supreme court, 81 similar writs; and to June term, 1821, he will execute and return to the prothonotary's office of the court of common pleas, 87; making an annual average of 2698—which at \$2 each, would amount to \$5,396—and \$16,188 in 3 years. We have made the average price \$2, and know this will be much below the actual result; because the lowest fee for executing an original process is \$1.25—nearly one half of them will be writs of scire facs. replev. sub., in divorce and domestic and foreign attachments, in which the fees will be from \$1.75 to \$2.25, besides a large proportion of the whole will have more than one defendant, which will increase the fees 50 or 75 cents for every one after the first, and will frequently amount to 7 or 8 dollars.

To September term, 1820, the sheriff will execute and return to the prothonotary's office of the district court for the city and county of Philadelphia, 83 writs of *final* process; to December term, 1820, he will execute and return to the same office 118, making a quarterly average of 100. To December term, 1820, he will execute and return to the supreme court, 19 similar writs, and to July term, 1821, he will execute and return to the same court, 16, making a semi-annual average of 17; to June term, 1820, he will execute and return to the prothonotary's office of the court of common pleas, 40 similar writs, making a general annual average of 594, exclusive of the inquisitions which at \$1.50 will amount to \$891,—and \$2,673 in 3 years. To December term, 1820, by various returns which he will make to writs of execution issued out of the district court for the city and county of Philadelphia, he will acknowledge the receipt of poundage, upon sums from ten dollars to ten thousand, to the amount of \$2583.83. To September term.

1821, he will in the same way acknowledge the receipt of \$ 2209 98, making the quarterly average of \$2396 90—\$9587 60 per annum—and 28,762 80 in 3 years, for poundage from this court. To December term, 1820, he will in the same way receive from similar writs, issued out of the supreme court, \$ 1,417 48. At July term, 1821, he will in the same way, by writs issued out of the same court, receive \$ 997 87, making a semi-annual average of \$ 1,207 67—\$ 2,415 34 per annum, and \$ 7,246 02 in 3 years, for poundage from this court. And upon similar writs from the common pleas, to June term, 1820, he will receive \$ 34 16—\$ 136 64 per annum, and \$ 409 92 for 3 years; amounting in the whole to an annual average of \$ 12,139 58—and \$ 36,418 74 in 3 years for poundage. We mean by acknowledging the receipt of this poundage, that he will make the following returns, viz.—“Sold to A. B. for \$—” “Levied and sold for \$—.” “Levied and received the debt, interest, and costs:” “Received the debt, interest, and costs:” “Levied and proceedings stayed, sheriff received his costs:” and, “Proceedings stayed, and sheriff received his costs.” Because in all those cases the poundage will be received upon the amount of the sale, provided it does not exceed the debt—and upon the debt itself, in the others. Upon this principle the estimate is made, including no *other* class of returns, and which upon *comparison* will be found accurate.

In the year 1820, the sheriff and county commissioners will draw 40 pannels of petit general and special jurors, for the different courts; and 14 pannels of grand jurors, for the oyer and terminer, mayor's court, and quarter sessions—the former, never less than 48, and the latter never less than 24, will make 2256: from this number deduct an average of 7 names on each pannel that will be returned “N. E. I.,” and the balance will be 1920; whom the sheriff will summon and return, and for which he will receive 25 cents each, or \$ 480 per annum, and \$ 1,440 in 3 years. At the March term, 1820, of the mayor's court, there will be 141 “true bills” found by the grand jury,—out of this number there will be 45 in which from various causes, no fees will be received. In *all* the other cases, which is a balance of 96, the sheriff is entitled to \$ 1 50 if there is “no commitment,” and “75 cents for the commitment upon dis-

charge of the prisoner ;” the whole amount however, \$2 25 will always be charged and received in this number of cases, which will make a quarterly average of \$216—\$864 per annum, and \$2,592 in 3 years. In the quarter sessions for March term, 1820, there will be 172 “ true bills ;” from them there will be a similar deduction of 54, leaving a balance of 118, upon which the same fees will be received, making a quarterly sum of \$265 50—\$1062 per annum, and \$3,186 in 3 years. There will be two courts of oyer and terminer annually held for the city and county of Philadelphia, by the judges of the supreme court, and the judges of the court of common pleas and general quarter sessions alternately; at these courts there will be an average number of 23 convictions, upon which the sheriff will receive \$4 25, amounting to a semi-annual sum of \$97 75—\$195 50 per annum, and \$586 50 in 3 years. At the March term, 1820, of the Mayor’s court, the sheriff will receive \$280 58 of fines and forfeited recognizances; at the quarter sessions of September term, 1821, he will receive \$291 42 in the same way, making a triennial sum of \$6,864; upon which he will be entitled to and will receive 4 per cent., making the amount of poundage from this source \$274 66, all which upon recapitulation will be found thus :

Serving original process, out of the 3 courts,	\$ 16,188 00
Serving <i>final</i> process from do.	2,673 00
Poundage,	36,418 74
Summoning Jurymen,	1,440 00
Mayor’s court,	2,592 00
Quarter Sessions,	3,186 00
Oyer and Terminer,	586 50
Poundage upon fines and forfeited recog.,	274 66

making the tremendous amount of \$ 63,358 90

Besides fees which he will receive for taking and assigning replev. and attach. bonds, serving bail pieces and attachments for contempt of court, proclamations for the general elections and oyer and terminers, escheat, lunacy, wharf, and divorce cases, proceedings under landlord and tenants’ warrants, original process for suing out forfeited recog. in

the mayor's court, process on indictments from the 4 criminal courts, all the fees received upon criminal actions carried by certiorari to the supreme court, executing inquests under writs of partition, and making the sales under the orders of court, mileage for executing process in the country,—and some thousands of dollars of costs and unclaimed balances which will ultimately remain in his hands, and will never be called for. All these we have omitted, in some of which in a single instance, the fees received will be (as we have seen) more than \$500; because the investigation has already reached the bottom of these unjustifiable “customs,” and been sufficiently extensive, to ascertain the enormous revenue of this office.

The illustration may be more complete by a concluding recapitulation, with a statement of the expences of the office, viz :

Condemnation of real estates,	\$ 9,028 00
Advertising in the papers,	5,642 64
Handbills,	1,872 00
Posting up do.,	1,872 00
Crying the sales,	1,872 00
Clerking the personal sales,	,762 00
Coffee House,	1,100 00
Deeds for sales of real estate,	3,851 00
Original process in the 3 courts,	16,188 00
Final process in do.,	2,673 00
Poundage upon do.,	36,418 74
Summoning Jurymen,	1,440 00
Mayor's court,	2,592 00
Quarter Sessions,	3,186 00
Oyer and Terminer,	,586 50
Poundage upon fines and forfeited recog.,	,274 66
	<hr/>
	\$89,368 54

All expenses inclusive.

Principal Deputy, \$1000; Book	}	9,000 00
Keeper, \$800; and 4 Deputies, at		
\$300 each, is \$1200, in 3 years, is		
Printing in the Newspapers,		4,514 14
Handbills,		,936 00

carried over 14450 14

	89,368 54
amount brought over,	14,450 14
Posting up handbills,	,468 00
Coffee House,	,300 00
Scrivener's bill,	2,149 44
Four annual dinners for Juries of con-	} ,600 00
demnation, at \$ 50—in 3 years, is	
Stationary, \$ 50 per annum,	,150 00
Horse and Carriage hire, \$ 100 per ann.	,300 00
	<hr/>
	18,417 58

Leaving the outrageous balance of \$70,950 96

Every expence has been included in this allowance ; in short, we believe that the fees which will be received from the sources which we have not included in this general estimate, would be more than equivalent to all the expences of the office. This final result may appear to some almost beyond the limits of probability, but we think from analogy alone, the deduction is fair, independent of the facts. It was only a few years since an officer in the neighborhood of the sheriff, owing to a variety of causes which we have previously mentioned, was in the annual receipt of near 20,000 dollars. Can there be any sort of doubt, but at that time they were about equal? and with the increasing population of the city and county and its mercantile embarrassments have been rapidly multiplying ever since. If we compare their fees and examine their separate business, independent of all the "customary fees of the office," the balance will be found with the sheriff.

The facts however, put the whole matter at rest ; and they are precisely in detail as we have given them ; if however, there is any arithmetical error of hundreds, or even thousands, the records of our courts and county are open to every man ; the *bills* and contracts of the office can be compared, and the mistake detected. This is the only error which these calculations can contain, for the data from which we have made *our* estimates in relation to "the customs of the office" are true as the existence of time, and certain as its perpetual duration.

Will any man pretend that all this enormous revenue is

no more than equivalent to the risk incurred and the services performed by this officer in 3 years? The sober feelings of a reflecting mind, revolt at such disgraceful extravagance.

While the President of the United States is constantly performing the most arduous and important duties and necessarily expending the whole of his salary, this sheriff, without the performance of any personal services, living if he chooses in complete retirement and at small expence, is in the annual receipt of more than the whole compensation which the law allows to the chief magistrate of the Union. And we can with perfect safety challenge the production of a more complete sinecure or a public office of the same value, this side of the Atlantic; its parallel can only be found in the sunshine of monarchy, and in countries where the misery and wretchedness of the *poor* furnish means for princely favour.

If this extravagance and corruption is tolerated with impunity *here*, we must look with dreadful apprehensions for their consummation in the downfall of Republican Independence, and American liberty.

The temperate and economical character of our government and laws are violated, and the liberties of the people endangered by the admission of such a dreadful doctrine for personal aggrandizement; monopoly and power are not only in their spirit and meaning averse from the principles of civil liberty, but can never exist without an infringement upon the rights and liberties of the people.

The facts require no additional application; they speak the language of dread conviction and come home to our firesides and our hearts. All we shall attempt will be to suggest some suitable remedy to crush these shameful "customs," and reduce the emoluments of the office to a reasonable and fair standard.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania.

GENTLEMEN,—We have in the course of our previous investigations, completely ascertained, that there is a set of the most disgraceful “customs” cherished in this office. That their existence is in open violation of every principle of justice, and the laws of the land. That they were never necessary as a fair compensation for official duty, inasmuch, as the fees allowed by law for the same services, always have been, and still are abundantly liberal.

That if ever they had their origin in an honorable and laudable motive of promoting the interests of suitors; they are now the miserable subterfuges of deceit and oppression. That their existence is not only a common inconvenience, but a notorious and perpetual scourge, to all those who unfortunately come within their grasp.

That the legal sources, from which this officer derives his emoluments, are independent of the others, more productive than the most confirmed extravagance could sanction.

That this enormous sum of money is drained from the miseries and distresses of the poor, and according to the principles of common reasoning is in its application, only calculated to harden the heart of its possessor, and render him cold and indifferent to those very misfortunes, which it is his official duty to alleviate.

That the existence of such a dreadful engine of personal aggrandizement, monopoly and power, is in open violation of the most sacred principles of a republican government, and dangerous to the liberties of a free people. And, that from the existence of a variety of local causes, the “customs” and revenue of this office, have alike been sheltered in long concealment; and the pressure of times, so extremely distressing and calamitous as the present, most imperiously and loudly call for correction and curtailment. Deeply impressed with the magnitude of these important considerations, we most respectfully offer for your consideration, the following provisions as a suitable and necessary supplement to an act entitled, “an act establishing a fee bill,” passed the 28th day of March 1814.—to wit:

SEC. I. *Be it enacted by the Senate and House of Representatives, of the Commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That from and after the 1st day of February, 1820, the fees to be received by the sheriff of the city and county of Philadelphia, for levying on lands or goods, and selling the same, or delivering lands to creditor, for each dollar, not exceeding three hundred dollars, two cents, and each dollar above three hundred dollars, one fourth of a cent.

SEC. II. *Be it enacted by the authority aforesaid,* That the sheriff of the city and county of Philadelphia, shall from and after the first day of February 1820, keep or cause to be kept, a fair and correct account of all the fees received for all the services performed by him or any deputy, clerk or other person employed by him, in his said office of sheriff, and shall annually thereafter, furnish a copy thereof, upon oath, to the auditors of the said county, who shall proceed to examine such account so furnished by him, and whenever the amount of the said account shall exceed the sum of five thousand dollars, the said auditors, shall charge the said sheriff with the whole amount of such excess, which sums so charged shall be forthwith paid by him into the treasury of said county, to be applied to the education of children, agreeable to the provisions of an act of assembly, entitled, “an act to provide for the education of children at the public expence, within the city and county of Philadelphia,” passed the 3d day of March, 1818.

SEC. III. *And be it enacted by the authority aforesaid,* That the auditors of the said county, shall have the same power to compel the said sheriff, to furnish his account for settlement, and to compel the payment thereof, as they have in other cases.

SEC. IV. *And be it further enacted by the authority aforesaid,* That if the sheriff of the city and county of Philadelphia, shall not keep a correct and exact copy of his fees, put up in the most conspicuous place in his office, (*not behind a door,*) or if the said sheriff, his deputies, clerks, or any other persons in his employ, shall

charge, demand, or take from any plaintiff or plaintiffs, defendant or defendants, or any party or parties, in any action, suit, indictment or prosecution whatsoever, any other fees than those expressly ascertained and limited by law, for any services to be done or performed by him or them, after the first day of February 1820, or if the said sheriff, his deputies, clerks, or any person in his employ, shall charge, demand, or take any of the fees affixed, ascertained and limited by law, when the business for which such fees are chargeable, shall not have been actually done, and performed, or if the said sheriff, his deputies, clerks, or other persons in his employ shall charge, demand, or receive any fees for any services, other than those expressly limited and ascertained by law, the said sheriff his deputies, clerk, or other persons in his employ, or all of them, as the case may be, shall forfeit and pay to the party or parties, from whom such demand shall be made, or fees received, the sum of \$50 to be recovered as debts of the same amount are recoverable, and shall for such offence, being thereof lawfully convicted, in any court of record in the city and county of Philadelphia, by the testimony of one or more witnesses, or by confession, forfeit and pay the sum of five hundred dollars for the use of the public schools of said city and county, and to be applied agreeable to the provisions of an act entitled "an act to provide for the education of children, at the public expence, within the city and county of Philadelphia," passed on the 3d day of March 1818.

SECT. V. *And be it further enacted by the authority aforesaid:* That if any Sheriff of the said city and county of Philadelphia, shall be convicted of not keeping an exact copy of his fees, put up in the most conspicuous place in his office; or charging, demanding, or receiving any other fees than those expressly ascertained and limited by law; or charging, demanding, or receiving any fees, where the business for which such fees are chargeable have not been actually done and performed; or charging, demanding, or receiving any fees for any services other than those expressly ascertained and limited by law—such sheriff shall be considered as legally removed from his said office of sheriff, and the said office of sheriff shall be deemed and taken as vacant; and the Coroner of the said City and County for the time being, shall execute the office of sheriff and all things thereunto belonging, until another sheriff shall be duly commissioned in the manner prescribed by the first section of the sixth article of the Constitution of this Commonwealth.

SECT. VI. *And be it further enacted by the authority aforesaid:* That so much of the act to which this is a supplement, as is hereby altered or supplied, is hereby repealed.

By the adoption of this supplement, or something of the same nature, the emoluments of this office would be reduced in the item of poundage, received upon final process issued from the civil courts; and the amount of fees received by virtue of "the customs of the office."

The legal fees provided for all the services to be performed, in cases where "the customs of the office," now regulate them, we have before shown to be amply sufficient; and that those arising from legal sources alone, amount to a sum so far beyond what is necessary, as to endanger and jeopardize the liberties of the people. It is the correction of the one, and the curtailment of the other; the allowance of a reasonable compensation to the sheriff, and the appropriation of the balance to a laudable purpose, at which we have aimed.

According to the operation of the present "customs" and fees, the whole three years' gain will amount to \$70950 96; the curtailment which we have suggested, would together with the "customary" fees, reduce that sum to about \$24,000, which with the fees that we did not include in the previous estimates, would be a sum sufficiently large, to always insure the sheriff his \$5000 per annum, and leave a balance of about \$2 or \$3000 for the public schools. The whole amount of his expences need not exceed \$2450 per ann.; or for example, upon the adoption of this plan, the secrets of the office would be exploded, and its "customs" abolished there would therefore be no necessity of retaining clerks at enormous salaries, merely because they *knew* the one and could *practise* the other; their duties independent of this consideration would be as plain and simple as that which is performed in all the adjoining offices at small salaries; he should pay two clerks \$600 each, and four deputies \$300 each (the old salaries) and an allowance of \$50 per ann. for stationary, would exactly make that sum, leaving him an annual income of \$2550: which is more than the salary of some of the governors of our sister states, and within a mere trifle of the salary of the Chief Justice of our supreme court, who has the most arduous and responsible duties constantly to perform.